

IC 13-14-9.5-1.1 NOTICE OF REVIEW OF NONEXPIRING RULES

LSA Document #16-139

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9.5-1](#) provides that chapter 9.5 does not apply to "a rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions." Therefore, those rules are not subject to this notice of readoption; however, for the reader's information, a list of exempt rules is included in this notice.

IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. The listed rules establish requirements to implement the Clean Air Act (CAA). The CAA authorizes comprehensive federal and state regulations to limit air pollution. These rules have been incorporated into Indiana's State Implementation Plan (SIP) and are federally enforceable. These rules are authorized under [IC 13-17-3-4](#) and [IC 13-17-3-11](#).

LIST OF RULES THAT DO NOT EXPIRE

The following is a list of rules in 326 IAC that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

326 IAC 2-10-2.1	Definitions
326 IAC 2-10-3.1	Conditions
326 IAC 2-10-4.1	Demonstration of compliance
326 IAC 2-10-5.1	Compliance with other provisions
326 IAC 2-10-6.1	Enforcement
326 IAC 2-11-3	Grain elevators
326 IAC 2-11-4	Grain processing or milling
326 IAC 8-14	Architectural and Industrial Maintenance (AIM) Coatings
326 IAC 8-15	Standards for Consumer and Commercial Products

LIST OF EXEMPT RULES

This is a list of rules in 326 IAC to which [IC 13-14-9.5](#) does not apply in accordance with the exceptions in [IC 13-14-9.5-1](#). This list of exempt rules is provided for informational purposes only. The following rules are exempt from [IC 13-14-9.5](#):

326 IAC 1-4	Attainment Status Designations
326 IAC 11-6	Hospital/Medical/Infectious Waste Incinerators
326 IAC 11-7	Municipal Waste Combustors
326 IAC 11-8	Commercial and Industrial Solid Waste Incineration Units
326 IAC 11-9	Other Solid Waste Incineration Units
326 IAC 11-10	Sewage Sludge Incineration Units
326 IAC 12	NEW SOURCE PERFORMANCE STANDARDS
326 IAC 14-2	Emission Standards for Sources of Asbestos Listed in Section 1 of this Rule
326 IAC 14-3	Emission Standard for Beryllium

326 IAC 14-4	Emission Standard for Beryllium Rocket Motor Firing
326 IAC 14-5	Emission Standard for Mercury
326 IAC 14-6	Emission Standard for Vinyl Chloride
326 IAC 14-7	Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
326 IAC 16-3-1	Applicability; incorporation by reference of federal standards
326 IAC 19-2	Transportation Conformity to Federal and State Implementation Plans
326 IAC 20-1	General Provisions
326 IAC 20-2	Accidental Releases
326 IAC 20-3	Emission Standards for Hazardous Air Pollutants for Coke Oven Batteries
326 IAC 20-4	Emission Standard for Hazardous Air Pollutants for Industrial Process Cooling Towers
326 IAC 20-5	Ethylene Oxide Commercial Sterilization and Fumigation Facilities
326 IAC 20-6	Halogenated Solvent Cleaning
326 IAC 20-7	Perchloroethylene Dry Cleaning Facilities
326 IAC 20-8	Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
326 IAC 20-9	Magnetic Tape Manufacturing Operations
326 IAC 20-10	Bulk Gasoline Distribution Facilities
326 IAC 20-11	Synthetic Organic Chemical Manufacturing Industries
326 IAC 20-12	Processes Subject to the Negotiated Regulation for Equipment Leaks
326 IAC 20-14	Wood Furniture Manufacturing Operations
326 IAC 20-15	Aerospace Manufacturing and Rework Facilities
326 IAC 20-16	Petroleum Refineries
326 IAC 20-17	Marine Tank Vessel Loading Operations
326 IAC 20-18	Printing and Publishing Operations
326 IAC 20-19	Group I Polymers and Resins
326 IAC 20-20	Epoxy Resins and Non-Nylon Polyamides
326 IAC 20-21	Group IV Polymers and Resins
326 IAC 20-22	Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
326 IAC 20-23	Off-Site Waste and Recovery Operations
326 IAC 20-24	Primary Aluminum Reduction Plants
326 IAC 20-26	Shipbuilding and Ship Repair Surface Coating Operations
326 IAC 20-27	Portland Cement Manufacturing Industry
326 IAC 20-28	Hazardous Waste Combustors
326 IAC 20-31	Natural Gas Transmission and Storage
326 IAC 20-32	Publicly Owned Treatment Works
326 IAC 20-33	Pulp and Paper Production; Noncombustion
326 IAC 20-34	Phosphoric Acid Manufacturing and Phosphate Fertilizers Production
326 IAC 20-35	Tanks—Level 1
326 IAC 20-36	Containers
326 IAC 20-37	Surface Impoundments
326 IAC 20-38	Individual Drain Systems
326 IAC 20-39	Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or a Process
326 IAC 20-40	Equipment Leaks—Control Level 1
326 IAC 20-41	Equipment Leaks—Control Level 2
326 IAC 20-42	Oil-Water Separators and Organic-Water Separators
326 IAC 20-43	Storage Vessels (Tanks)—Control Level 2
326 IAC 20-44	Generic Maximum Achievable Control Technology
326 IAC 20-45	Pesticide Active Ingredient
326 IAC 20-46	Mineral Wool Production
326 IAC 20-47	Wool Fiberglass Manufacturing
326 IAC 20-48	Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
326 IAC 20-49	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicchemical Pulp Mills
326 IAC 20-50	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

<u>326 IAC 20-51</u>	Manufacturing of Nutritional Yeast
<u>326 IAC 20-52</u>	Wet-Formed Fiberglass Mat Production
<u>326 IAC 20-53</u>	Leather Finishing Operations
<u>326 IAC 20-54</u>	Cellulose Products Manufacturing
<u>326 IAC 20-55</u>	Rubber Tire Manufacturing
<u>326 IAC 20-56</u>	Reinforced Plastic Composites Production
<u>326 IAC 20-57</u>	Pharmaceuticals Production
<u>326 IAC 20-58</u>	Amino and Phenolic Resins
<u>326 IAC 20-59</u>	Polyether Polyols Production
<u>326 IAC 20-60</u>	Solvent Extraction for Vegetable Oil Production
<u>326 IAC 20-61</u>	Semiconductor Manufacturing
<u>326 IAC 20-62</u>	Refractory Products Manufacturing
<u>326 IAC 20-63</u>	Surface Coating of Large Appliances
<u>326 IAC 20-65</u>	Paper and Other Web Coating
<u>326 IAC 20-66</u>	Flexible Polyurethane Foam Fabrication Operations
<u>326 IAC 20-67</u>	Municipal Solid Waste Landfills
<u>326 IAC 20-68</u>	Friction Material Manufacturing Facilities
<u>326 IAC 20-69</u>	Polyvinyl Chloride and Copolymers Production
<u>326 IAC 20-70</u>	Secondary Aluminum
<u>326 IAC 20-71</u>	Asphalt Processing and Asphalt Roofing
<u>326 IAC 20-72</u>	Brick and Structural Clay Products
<u>326 IAC 20-73</u>	Clay Ceramics Manufacturing
<u>326 IAC 20-74</u>	Coke Ovens: Pushing, Quenching, and Battery Stacks
<u>326 IAC 20-75</u>	Engine Test Cells/Stands
<u>326 IAC 20-76</u>	Hydrochloric Acid Production
<u>326 IAC 20-77</u>	Printing, Coating, and Dyeing of Fabrics and Other Textiles
<u>326 IAC 20-78</u>	Surface Coating of Metal Furniture
<u>326 IAC 20-79</u>	Surface Coating of Wood Building Products
<u>326 IAC 20-80</u>	Surface Coating of Miscellaneous Metal Parts and Products
<u>326 IAC 20-81</u>	Surface Coating of Plastic Parts and Products
<u>326 IAC 20-82</u>	Stationary Reciprocating Internal Combustion Engines
<u>326 IAC 20-83</u>	Organic Liquid Distribution (Non-Gasoline)
<u>326 IAC 20-84</u>	Miscellaneous Organic Chemical Manufacturing
<u>326 IAC 20-85</u>	Surface Coating of Automobiles and Light-Duty Trucks
<u>326 IAC 20-86</u>	Surface Coating of Metal Cans
<u>326 IAC 20-87</u>	Site Remediation
<u>326 IAC 20-88</u>	Miscellaneous Coating Manufacturing
<u>326 IAC 20-89</u>	Coal-Fired and Oil-Fired Electric Utility Steam Generating Units
<u>326 IAC 20-90</u>	Stationary Combustion Turbines
<u>326 IAC 20-91</u>	Lime Manufacturing Plants
<u>326 IAC 20-92</u>	Iron and Steel Foundries
<u>326 IAC 20-93</u>	Integrated Iron and Steel Manufacturing
<u>326 IAC 20-94</u>	Mercury Cell Chlor-Alkali Plants
<u>326 IAC 20-95</u>	Industrial, Commercial, and Institutional Boilers and Process Heaters
<u>326 IAC 21</u>	ACID DEPOSITION CONTROL
<u>326 IAC 22</u>	STRATOSPHERIC OZONE PROTECTION
<u>326 IAC 25-2</u>	Regulatory Flexibility for the Environmental Stewardship Program and Comprehensive Local Environmental Action Network Community Challenge Program
<u>326 IAC 26-1</u>	Best Available Retrofit Technology

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on the nonexempt rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany the comments. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #16-139 2016 Title 326 Rule Review
Jack Harmon

Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to jaharmon@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than May 13, 2016. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Jack Harmon, Rules Development Branch, Office of Legal Counsel, (317) 234-9535 or (800) 451-6027 (in Indiana).

Nancy King, Chief
Rules Development Branch
Office of Legal Counsel

[Notice of Public Hearing](#)

Posted: 04/13/2016 by Legislative Services Agency

An [html](#) version of this document.